

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL HORN,

Plaintiff,

Civil No. 06-486-HU

v.

MICHAEL J. ASTRUE,<sup>1</sup>  
Commissioner,  
Social Security Administration,

ORDER

Defendant.

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HAGGERTY, Chief Judge:

On February 16, 2007, Magistrate Judge Hubel issued a Findings and Recommendation in this action [17], in which the Magistrate Judge concluded that the Commissioner's Motion for

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<sup>1</sup> On February 12, 2007, Michael J. Astrue became Commissioner of Social Security and he should be substituted in these proceedings as such. 42 U.S.C. § 405(g); Fed. R. Civ. P. 25 (d)(1).

Remand [14] should be granted, and the Commissioner's final decision should be reversed and remanded for additional evidence. No objections were filed.

The matter is now before the court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations" made by a magistrate judge. 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-150 (1985); *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974). No clear error appears on the face of the record, and the court adopts the Magistrate's Findings and Recommendation.

#### CONCLUSION

The Findings and Recommendation [17] is adopted in its entirety.

IT IS SO ORDERED.

DATED this 10 day of May, 2007.

/s/ Aincer L. Haggerty  
Aincer L. Haggerty  
United States District Judge